

FILED

DEC 10, 2021

Clerk, U.S. District Court  
District of Montana  
Billings Division

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*Attorneys for Defendant/Third-Party Plaintiff  
Knight Transportation, Inc.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

SHEILA WOLFF, ) Cause No. CV-21-131-BLG-SPW

Plaintiff, )

-vs- )

**NOTICE OF REMOVAL**

KNIGHT-SWIFT TRANSPORTATION )  
HOLDINGS, INC., )

Defendant. )

KNIGHT TRANSPORTATION, INC., )

Third-Party Plaintiff, )

-vs- )

DEWEY WOLFF )

Third-Party Defendant. )

COMES NOW Defendant, Knight Transportation, Inc. ("Knight") which is

improperly identified in the Complaint as Knight-Swift Transportation Holdings, Inc., and respectfully petitions and shows this Court:

1. This action is one over which this Court has original jurisdiction under the provision of Title 28, United States Code, Section 1332 and is one which may be removed by the Defendant pursuant to the provision of Title 28, United States Code, Section 1441. This Court has jurisdiction because this is a civil action in which the matter in controversy exceeds the sum or value of Seventy-Five Thousand and no/100 Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens of different states.

2. On or about October 20, 2021, an action was commenced against the Defendant, Knight, in the Thirteenth Judicial District of the State of Montana, Yellowstone County, entitled: *Sheila Wolff v. Knight-Swift Transportation Holdings, Inc.*, as Cause No. DV 21-01305 before said Court. See copy of Complaint and Summons attached as Ex. A.

3. This court has ancillary diversity jurisdiction over Third-Party Defendant Dewey Wolff pursuant to 28 U.S.C. § 1332 because this is a civil action in which the matter in controversy exceeds the sum or value of Seventy-Five Thousand and no/100 Dollars (\$75,000.00), exclusive of interest and costs, and the claims in the Third-Party Complaint arise out of the same accident which is the

subject of Plaintiff's Complaint, and the Third-Party Complaint is between citizens of different states.

4. Service of process was made upon the Defendant on November 12, 2021.

5. The Defendant believes, to its best knowledge, information, and belief, that the Plaintiff is a citizen and resident of the State of Montana.

6. The Defendant believes, to its best knowledge, information, and belief, that the Third-Party Defendant is a citizen and resident of the State of Montana.

7. Defendant is an Arizona corporation, authorized to do business in the State of Montana.

WHEREFORE, prays that this Court accept this Notice of Removal and enter such other orders and dispositive determinations as may be appropriate.

DATED this 10<sup>th</sup> day of December, 2021.

By: /s/ Brad Condra

MILODRAGOVICH, DALE  
& STEINBRENNER, P.C.  
*Attorneys for Defendant*

VERIFICATION

STATE OF MONTANA            )  
  : ss  
County of Missoula            )

I, Brad Condra, being duly sworn upon oath deposes and says:

1. That I am a member of the firm of Milodragovich, Dale & Steinbrenner, P.C. of Missoula, Montana, attorneys for the Defendant, Knight Transportation, Inc. which is improperly identified in the Complaint as Knight-Swift Transportation Holdings, Inc., in the above action, and makes this verification on behalf of the Defendant because none of its officers are in the State of Montana.

2. The affiant has read the foregoing Notice of Removal, knows its contents and acknowledges them to be true and correct to the best of his knowledge, information, and belief.

  
Brad Condra

SUBSCRIBED AND SWORN TO before me this 10<sup>th</sup> day of December, 2021.

  
Notary Public for the State of Montana

(SEAL)

